

FIRST REGULAR SESSION

SENATE BILL NO. 313

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOLAN.

Read 1st time February 7, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1482S.02I

AN ACT

To repeal section 304.580, RSMo, and to enact in lieu thereof four new sections relating to highway construction and work zones, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 304.580, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 304.580, 304.582, and 304.585, to read as follows:

304.580. [1.] As used in [this section] **sections 304.582 and 304.585**, the term "construction zone" or "work zone" means any area upon or around any highway as defined in section 302.010, RSMo, which is visibly marked by the department of transportation or a contractor **or subcontractor** performing work for the department of transportation as an area where construction, maintenance, **incident removal** or other work is temporarily occurring. The term "work zone" or "construction zone" also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs [directing motor vehicles to merge from one lane into another lane] **or traffic control devices** are posted **or placed**. The terms "worker" or "highway worker" as used in sections 304.582 and 304.585, shall mean any person that is working in a "construction zone" or "work zone", or any employee of the department of transportation that is performing duties pursuant to the department's motorist assist program on a state highway or the right-of-way of a state highway.

[2. Upon a conviction or a plea of guilty by any person for a moving

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

violation as defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone.

3. Upon a conviction or plea of guilty by any person for a speeding violation pursuant to either section 304.009 or 304.010, or a passing violation pursuant to subsection 6 of this section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law, if the offense occurred within a construction zone or a work zone and at the time the speeding or passing violation occurred there was any person in such zone who was there to perform duties related to the reason for which the area was designated a construction zone or work zone. However, no person assessed an additional fine pursuant to this subsection shall also be assessed an additional fine pursuant to subsection 2 of this section, and no person shall be assessed an additional fine pursuant to this subsection if no signs have been posted pursuant to subsection 4 of this section.

4. The penalty authorized by subsection 3 of this section shall only be assessed by the court if the department of transportation or contractor performing work for the department of transportation has erected signs upon or around a construction or work zone which are clearly visible from the highway and which state substantially the following message: "Warning: \$250 fine for speeding or passing in this work zone".

5. During any day in which no person is present in a construction zone or work zone established pursuant to subsection 3 of this section to perform duties related to the purpose of the zone, the sign warning of additional penalties shall not be visible to motorists. During any period of two hours or more in which no person is present in such zone on a day in which persons have been or will be present to perform duties related to the reason for which the area was designated as a construction zone or work zone, the sign warning of additional penalties shall not be visible to motorists. The department of transportation or contractor performing work for the department of transportation shall be responsible for compliance with provisions of this subsection. Nothing in this subsection shall prohibit warning or traffic control signs necessary for public safety in the construction or work zone being visible to motorists at all times.

6. The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone. This subsection applies to a

construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane by an appropriate sign erected by the department of transportation or a contractor performing work for the department of transportation. Violation of this subsection is a class C misdemeanor.

7. This section shall not be construed to enhance the assessment of court costs or the assessment of points pursuant to section 302.302, RSMo.]

304.582. 1. Upon the first conviction or plea of guilty by any person for a moving violation as defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone. A second or subsequent violation of this subsection shall result in the court assessing a fine of seventy-five dollars in addition to any other fine authorized to be imposed by law.

2. Upon the first conviction or plea of guilty by any person for a speeding violation pursuant to either section 304.009 or 304.010, or a passing violation pursuant to subsection 4 of this section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law, if the offense occurred within a construction zone or a work zone and at the time the speeding or passing violation occurred there was any highway worker in such zone. A second or subsequent violation of this subsection shall result in the court assessing a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine pursuant to this subsection shall also be assessed an additional fine pursuant to subsection 1 of this section, and no person shall be assessed an additional fine pursuant to this subsection if no signs have been posted pursuant to subsection 3 of this section.

3. The penalty authorized by subsection 2 of this section shall only be assessed by the court if the department of transportation or contractor or subcontractor performing work for the department of transportation has erected signs upon or around a construction or work zone which are clearly visible from the highway and which state substantially the following message: "Warning: minimum \$250 fine for

speeding or passing in this work zone when workers present".

4. The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone as provided in this subsection. Violation of this subsection is a class C misdemeanor.

(1) This subdivision applies to a construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane and not pass by appropriate signs erected by the department of transportation or a contractor or subcontractor performing work for the department of transportation.

(2) This subdivision also prohibits the operator of a motor vehicle from passing or attempting to pass another motor vehicle in a work zone or construction zone located upon a two-lane highway when highway workers or equipment are working and when appropriate signs or traffic control devices have been erected by the department of transportation or a contractor or subcontractor performing work for the department of transportation.

5. The additional fines imposed by subdivisions (1) and (2) of this section shall not be construed to enhance the assessment of court costs or the assessment of points pursuant to section 302.302, RSMo.

304.585. 1. A person shall be deemed to commit the offense of "endangerment of a highway worker" upon conviction for any of the following when the offense occurs within a "construction zone" or "work zone", as defined in section 304.580:

(1) Exceeding the posted speed limit by twenty-five miles per hour or more;

(2) Failure to stop for a work zone flagman or failure to obey traffic control devices erected in the construction zone or work zone for purposes of controlling the flow of motor vehicles through the zone;

(3) Driving through or around a work zone by any lane not clearly designated to motorists for the flow of traffic through the work zone;

(4) Physically assaulting, or attempting to assault, or threatening to assault a highway worker in a construction zone or work zone, with a motor vehicle or other deadly weapon or dangerous instrument;

(5) Intentionally striking, moving, or altering barrels, barriers,

signs, or other devices erected to control the flow of traffic to protect workers and motorists in the work zone; or

(6) Committing any of the following offenses for which points may be assessed under section 302.302, RSMo: leaving the scene of an accident in violation of section 577.060, RSMo; careless and imprudent driving in violation of subsection 4 of section 304.016; operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020, RSMo, operating with a suspended or revoked license, or obtaining a license by misrepresentation; driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content; any felony involving the use of a motor vehicle; knowingly permitting an unlicensed operator to operate a motor vehicle.

2. Upon conviction or a plea of guilty for committing the offense of "endangerment of a highway worker" pursuant to subsection 1 of this section, in addition to any other penalty authorized by law, the person shall be guilty of a class A misdemeanor if no injury or death to a highway worker resulted from the offense. If a highway worker is injured as a result of the person committing the offense of "endangerment of a highway worker", the person shall be guilty of a class D felony. If death of a highway worker results from the commission of the offense of "endangerment of a highway worker", the person shall be guilty of a class C felony.

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